

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD
4 - - - - -X
5 IN THE MATTER OF: :
6 F & A, Inc., :
7 t/a Anacostia Market :
8 1303 Good Hope Road S.E. : Case #15-CMP-00332
9 License #86470 : Show Cause Hearing
10 Retailer B : (Status)
11 ANC 8A :
12 No ABC Manager on Duty, :
13 Failed to Post License :
14 Conspicuously in the :
15 Establishment :
16 - - - - -X

17 Wednesday, February 17, 2016

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19 Whereupon, the above-referenced matter
20 came on for hearing at the Alcoholic Beverage
21 Control Board, Reeves Center, 2000 14th Street,
22 N.W., Suite 400S, Washington, D.C. 20009.

1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

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4 BOARD MEMBERS:

5 NICK ALBERTI

6 RUTHANNE MILLER

7 JAMES SHORT

8 MIKE SILVERSTEIN

9 DANETTE WALKER

10

11 ALSO PRESENT:

12

13 LOUISE PHILLIPS,

14 On Behalf of the District of Columbia

15 EPHRAM GIRMUY,

16 licensee

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1 P R O C E E D I N G S

2 CHAIRPERSON ANDERSON: The next case on
3 our show cause hearing status is Case No. 15-CMP-
4 00332, Anacostia Market, License No. 86470. Will
5 the parties please approach?

6 MR. GIRMUY: Yes. Yes, sir.

7 CHAIRPERSON ANDERSON: Good morning.
8 Please identify yourself for the record, please?

9 MR. GIRMUY: Yeah, my name is Ephrem.
10 Ephrem Girmuy.

11 CHAIRPERSON ANDERSON: And either I'm not
12 hearing today so I apologize to ask folks, but
13 I'm not hearing.

14 MR. GIRMUY: My name is Ephrem, Ephrem
15 Girmuy.

16 CHAIRPERSON ANDERSON: Okay. Good
17 morning, sir. Can you sign in on the sign-in
18 sheet, please?

19 MR. GIRMUY: Okay. Good morning.

20 MS. PHILLIPS: Good morning, Board
21 Members. Louise Phillips, Assistant Attorney
22 General for the District of Columbia.

1 CHAIRPERSON ANDERSON: Good morning. Are
2 there any preliminary matters?

3 MS. PHILLIPS: No, there are not.

4 CHAIRPERSON ANDERSON: This matter is
5 scheduled for a show cause hearing on March 23rd
6 at 1:30.

7 MR. GIRMUY: I think I paid a fine about
8 a month ago. It was 750, if I'm not mistaken.
9 So I don't understand. We have the hearing on
10 March 23rd. That ticket, because I just
11 presently paid because I received the fine about
12 a month ago.

13 CHAIRPERSON ANDERSON: Okay.

14 MR. GIRMUY: And I personally paid and I
15 have a proof of payment.

16 CHAIRPERSON ANDERSON: All right. Why
17 don't you -- hold on a minute, please?

18 [Pause.]

19 MS. PHILLIPS: May I be heard, Mr. Chair?

20 CHAIRPERSON ANDERSON: Yes. Yes, Ms.
21 Phillips.

22 MS. PHILLIPS: What's attached as Exhibit

1 3 to the investigation report is a notice of
2 violation which says that the fine was -- it
3 looks like \$1,000. And I mean, it's very faint
4 but that's what it looks like. But it's Citation
5 5186.

6 MR. ALBERTI: That's correct. That's
7 what the citation said.

8 CHAIRPERSON ANDERSON: All right. I
9 think, sir, if you said that you have paid the
10 fine what I would suggest that you do is to have
11 a conversation. Is this your case, Ms. Phillips?

12 MS. PHILLIPS: It is not. It's Ms.
13 Schmit's. Her name and telephone number is on
14 page 2 of the notice. I think it's right at the
15 top of that page that you're looking at.

16 MR. GIRMUY: If you was talking about the
17 \$1,000 payment, it's paid through my lawyer and
18 managing person. I already paid that too.
19 That's last year. I thought he was talking about
20 --

21 CHAIRPERSON ANDERSON: No, that's why I'm
22 saying, what I'd ask you to do, and let me -- all

1 right. Let me give you this date. The next
2 hearing is March 23rd at 1:30.

3 MR. GIRMUY: Okay.

4 CHAIRPERSON ANDERSON: What I want you to
5 do is what Ms. Phillips stated, on the notice
6 that you have here you have the name of the
7 attorney from the government who is on. Can you
8 point specifically on the form with the --

9 MS. PHILLIPS: Page 2. First paragraph.
10 [Discussion off the record.]

11 MR. GIRMUY: Okay. I see it. I see it.

12 MS. PHILLIPS: Give her a call.

13 MR. GIRMUY: Thank you.

14 MS. PHILLIPS: You're welcome.

15 CHAIRPERSON ANDERSON: So I need you to
16 do is for you to have a conversation with that
17 person regarding the reason why you're here
18 today.

19 MR. GIRMUY: Okay.

20 CHAIRPERSON ANDERSON: And if you're
21 saying that you have paid the fine then you need
22 to have that conversation with her and show her

1 the proof that it was paid.

2 MR. GIRMUY: Okay.

3 CHAIRPERSON ANDERSON: And if that's the
4 case then she will let us know what's going to
5 happen to the next case. But I need both for you
6 to be aware that we're having another hearing on
7 the 23rd at 1:30. If you and the Government --
8 and even if -- well, if you and the Government
9 have come to an agreement, for example if it's
10 determined that the fine was paid, then the next
11 hearing the Government would ask that the matter
12 be dismissed.

13 MR. GIRMUY: Okay.

14 CHAIRPERSON ANDERSON: But just have that
15 conversation with her. I would say, give her a
16 call today.

17 MR. GIRMUY: Okay.

18 CHAIRPERSON ANDERSON: To show her that -
19 - have her explain the charges to you that you're
20 fined for, and if you can explain to her or give
21 her the proof that these fines were paid, then
22 the matter will go away.

1 MR. GIRMUY: Thank you.

2 CHAIRPERSON ANDERSON: But if not you
3 need to be here on the 23rd of March at 1:30.

4 MR. GIRMUY: Thank you very much.

5 CHAIRPERSON ANDERSON: All right. Thank
6 you, sir.

7 MR. GIRMUY: All right.

8 MS. PHILLIPS: Are you recalling Carolina
9 Kitchen?

10 CHAIRPERSON ANDERSON: All right. Sorry.

11 [Whereupon, the above-entitled matter
12 concluded.]

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